

FLATHEAD CITY-COUNTY BOARD OF HEALTH
MINUTES OF AUGUST RETREAT
AUGUST 21, 2008
12:00 – 4:00 P.M.
HILTON GARDEN INN
LOGAN ROOM
1840 HIGHWAY 93 SOUTH
KALISPELL, MONTANA 59901

<u>Members Present</u>	<u>Members Absent</u>	<u>Others</u>
Glen Aasheim, MD	Duane Larson	Jim Bonser
Nancy Askew		Pat Dake
Joe Brenneman		Tara Fugina
Wayne Miller, MD		Nan Guenzler
Doug Smith, DMD		Wendee Jacobs
Art Thompson, MD		Kirsten Johnson
		Pride Johnson
		Marco Lulich
		Car Moritz
		Chris Moritz
		Tonya Passwater
		Joe Russell
		John Stalow
		John Stang
		Jim VanDenburg
		John Vore

The meeting was opened and attendance was taken.

Joe Russell gave a demonstration of how to access the restaurant scores from the web site. The Board asked for the D & F restaurant scores to be in red; that an EMS button/link be added to the home page; that a description be included on the CDC information; and that FCEMS be spelled out.

Russell stated that several members of the Bigfork community are here to express their concerns regarding a proposed sewage dump site on Lee Road. He explained that the state is in charge of permitting sewage dump sites and that the county doesn't regulate them. Russell added that the Department of Environmental Quality contracts with us to inspect the sites.

Kirsten Johnson reported that she has been in contact with Russell and that she is a resident living around this proposed site. She explained that this site would be for dumping septic and grease trap waste. She has concerns around monitoring and stated that the property is owned by an absentee owner who resides in Utah. Johnson contacted

Renee Hill at DEQ, who informed her that there is not a formal monitoring program for such sites. Hill explained that complaints by neighbors prompt an inspection. Russell said that we respond to a lot of septic complaints. Johnson asked what authority Flathead County holds. Russell explained that we report the inspection results to DEQ; we inform them if they are not complying with State DEQ Laws. Johnson also reported that there is concern regarding the dirt road that would have to be used to access this site. She stated that dust is already an issue and the 2800 gallon dump truck will only add to the problem. Odor and litter are also concerns. She said that DEQ stated that once the waste is dumped, there is a six hour window in where the waste has to be harrowed in and the extra litter has to be picked up. Johnson stated that the owner is not present to monitor this. Nan Guenzler reported that the brother lives across the street from the proposed site. Johnson stated that she was not aware of this. Johnson also expressed concern regarding what this proposed dump site would do to their property values. She was sure this would have an adverse effect on the sale and must be disclosed. Johnson reported that the proposed site is zoned Ag-40 and all surrounding property is sub-ag land. She stated that the best use for the land would be residential. Russell explained that there are these types of sewage sites all over the county. Johnson asked what happens if there is contamination. Russell stated that they would have to clean up the contamination and because it is zoned as agriculture a conditional permit will have to be issued. Johnson asked if Flathead County Planning & Zoning would have to sign off on the permit. She stated that there is a question on the sewage dump site application referring to a check list of environmental assessment and site access control is addressed. She informed the Board that there is not a fence surrounding this proposed site. Russell stated that the Health Department doesn't do the environmental assessment; we only test soils and groundwater. In regards to the possible odor, Johnson said that she has concerns surrounding septic and grease trap odors. She added that there are black bears in the area and that grizzly bears also have been seen. Johnson said that she contacted Fish, Wildlife and Parks (FWP) and she was told that grease could be an attractant for bears. John Vore, Wildlife Biologist with FWP, was present and stated that sewage is not an issue, but grease traps are. He stated that he spoke with Renee Hill and told her his concerns. Glen Aasheim asked if grease traps were disposable. Russell explained that grease is hard to biologically dissolve and the city doesn't handle this, it is land applied. One Bigfork citizen stated that this would be a nuisance for the neighbors. Concern was expressed regarding the 40 foot deep groundwater and that pharmaceuticals would also be dumped. Russell said that he would call the state regarding this proposed dump site. Pat Dake stated that she called the state regarding the lack of fencing and was under the impressions that it was up to the County to police the site. She added that she spoke with Julie Spence in East Helena and they will take the waste. One Bigfork citizen brought up concerns regarding legislation, development in Flathead County and surplus money. Joe Brenneman stated that it is not fair to say that some of us are not making good choices and the tools we have will seem to be not working. He added that to deem something a public nuisance, it has to meet certain criteria. The wildlife issue, Brenneman said, is a concern. He asked if a conditional use permit is needed. If so, this process also includes going through the Board of Adjustment. Brenneman suggested that the Bigfork citizens go to the Planning Office and inquire if a conditional use permit is required for this proposed dump site. He then asked that Russell research the monitoring and fencing

issues. The fencing requirements are specific in that there has to be four barbed wire 40 to 48 inches. Johnson asked what the next step would be. Brenneman stated that they should go to the Planning Office and inquire about the conditional use permit from the Board of Adjustments, which would be a public hearing. Marco Lulich asked what monitoring had been done on the proposed site. He said if it was four test holes, the water will go straight down because of the sand and the waste could possibly infect the groundwater. Johnson asked that the Board review the information they are leaving with Russell. Again, she expressed concerns regarding property values, the dust road and the safety of the residents surrounding the proposed site. Johnson stated that if the county approves the site and DEQ grants the permit, they will sue the Lee's and stop them. Guenzler said that she would like to visit a sight similar to this proposed site. Johnson stated that she will leave a letter with the Board from Patti Sowka, Program Director of Living with Wildlife Foundation. Russell said that he will scan the letter and e-mail it to the Board.

The Bigfork citizens left the meeting at 2:15.

The retreat reconvened at 2:30.

Administrative Support Specialist Job Description

Russell stated that the Administrative Support Specialist job description is an amended job description used previously. This position is a grade three on the pay scale and has been broadened out for the Community Health Center and Reproductive Health. He added that this is one position that is in the budget and is not an additional FTE. Russell said that this job description has been to the union and Montana Public Employee Association.

MOTION Aasheim to approve the revised Administrative Support Specialist job description.

SECOND Art Thompson

MOTION CARRIED

Scores on Doors

There was discussion regarding the Scores on Doors Program. It was determined that posting restaurant inspection scores on the doors would be a legal concern and would put stress on the staff. It was explained that each sanitarian might notice something different, thus providing a variety of scores. Concern was also expressed regarding the restaurant living with a particularly low score until their next inspection, which could be six months later. Wendee Jacobs stated that there is not enough staff time to complete follow up inspections in order for a restaurant to increase their score. Tara Fugina said that she has reviewed case laws and there is no specific authority saying we can enforce a restaurant to leave a score posted on a door. There was discussion in regards to implementing the ServSafe Program and the Blue Ribbon Program again as well as advertising scores in the paper. Fugina added that, while she worked in St. Louis, an inspection score of a D or F, constituted an immediate closure. Here, she said that it takes a court order to close a restaurant. After more discussion, John Stang, of the Daily Interlake, stated that he would be reluctant to post low scores in the paper. Instead, Stang said that he would be

willing to post all scores for a period of six months. Brenneman stated that the Flathead Beacon may be another source for posting scores.

Miller expressed concern regarding Russell not following up on items as instructed by the Board of Health. He said that Russell was asked to get an advertising in the Daily Interlake regarding how to access the restaurant scores on the Health Department web page, send out preliminary Board of Health agenda's one week prior to mailing the packets, that a letter was to be sent to Lake County Commissioners regarding EMS calls serviced by Lakeside and Bigfork Ambulances, etc. Russell reported that he did write a letter to the Lake County Commissioners and that he sent the letter to Brenneman for delivery as he had a meeting there. Russell also stated that he has been working with the paper and the restaurant access advertising would be in the Daily Interlake on Sunday and he apologized for the delay. Brenneman stated that the Lake County Commissioner letter was his fault as the meeting was cancelled and he didn't hand deliver it.

There was further discussion regarding inspections and it was decided that the Legislature needs to become actively involved.

CHC Update

Russell stated that we received the Objective Review Committee comments from HRSA and we scored a 95, which is incredible. There were three weaknesses listed and the third one was in regards to governance. He announced that Lewistown received funding, as well as two other Health Departments around the country. A teleconference has been scheduled with HRSA to ask about a grievance process. He said that we will continue to work with Baucus' office.

EMS Committee

There was an 11th hour opposition to the EMS Regulations at the Commissioners office. Kalispell Fire stated that they did not have good representation at the EMS Advisory Committee meetings while the regulations were formed. The EMS Regulations passed with three votes from the Commissioners and the regulations are now in effect. The Board was informed that all medical directors and agencies were provided a copy. Askew stated that Dan Diehl of Kalispell might meet with Russell and her next week. There was discussion of possibly receiving medical supplies through a bulk consortium program at Kalispell Regional Medical Center. The EMS Advisory Committee will now be reviewing and granting, based on priorities, all requested mill levy money submittals from units. It was directed that a letter be sent to all units in regards to not utilizing the EMS Special Levy allocation for awhile.

Animal Shelter

There was discussion regarding the hiring of an additional support person for the Animal Shelter. It appears there was a difference of opinion as to the direction that was to be taken in regards to hiring this position from the last regular Board of Health meeting. Some Board members thought it was voted on and passed to have another employee hired at the Shelter. Other Board Members, Fugina and Russell was under the impression that we would request funding assistance from the Commissioners before hiring another

position. Russell said that we haven't received the valuations yet and explained that right now it only looks like we will be getting a 3.5% increase. He is projecting a deficient spending of \$30,000 of cash reserves for Fiscal Year 2009. Russell stated that he is trying to be fiscally responsible and keep the budgets solvent. There was discussion regarding staffing issues, the control officers and what they are doing, the fact that the euthanasia rate is down, and overcrowding concerns at the Shelter. Russell stated that he spoke with Mike Meehan and he was sure that the control officers could help at the Shelter again. Brenneman expressed concern if an additional person would be hired, would the Shelter take in more animals. Russell said that we are taking a progressive position with the Shelter in that we are vaccinating all incoming animals. Fugina stated that the animals are over censes and it is very crowded at the Shelter. She added that grant awarders will not grant money for space and staff. Brenneman suggested hiring a support FTE for one year either at grade 1 at \$31,000 a year or at grade 2 for \$36,000 a year. Russell stated that we could possibly go half with the Commissioners on a grade 2 employee for one year.

Contract Employees

Russell reported that all the contracted employees are either producing their Montana Contractors License or they are becoming employees of Express Personnel Services with the exception of Marty Boehm. He said that we are in the process of hiring Boehm as an employee.

Adjourned at 4:15.

Tonya M. Passwater, Secretary